

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
LYNCHBURG DIVISION**

ANTHONY SMITH,)	
)	
Plaintiff,)	
v.)	Case No. 6:23-cv-00030
)	
CENTRA HEALTH, INC., <i>et al.</i>,)	
)	
Defendants.)	

JOINT REPORT OF RULE 26(f) CONFERENCE AND DISCOVERY PLAN

In accordance with Federal Rule of Civil Procedure 26(f), the parties submit this joint report of their conference and discovery plan:

1. **Conference Participants.** Plaintiff's and Defendant's attorneys conferred on September 15, 2023. The following attorneys participated in the conference: Paul Valois for Plaintiff; Ben Rottenborn and Jamie Wood for Defendant Centra Health, Inc., and Haley Mathis for Defendant Christopher Jones. Defendant Wesley Gillespie has not been served yet. Since their conference, Plaintiff's and Defendants' attorneys have conferred further regarding the Court's Scheduling Order.

2. **Proposed Changes to Scheduling Order.** The parties request the following changes to the Court's Scheduling Order (Dkt. No. 15):

a. That the deadline for Rule 26(a) initial disclosures be changed from 30 days to 60 days after the Scheduling Order (October 31, 2023);

b. That the deadline for Plaintiff's initial expert disclosure be changed from 75 days from the Scheduling Order to 150 days before trial (April 27, 2024);

c. That the deadline for Defendants' initial expert disclosure be changed from 90 days from the Scheduling Order to 120 days before trial (May 27, 2024); and

d. That the deadline for the parties to exchange rebuttal expert reports, if any, be 105 days before trial (June 11, 2024).

3. A proposed order modifying the Scheduling Order with these new or revised deadlines is attached as **Exhibit A**.

4. **Discovery Plan.** The parties anticipate that they will be able to comply with all other deadlines set forth in the Scheduling Order and with all discovery requirements and limitations set forth in the applicable Federal Rules of Civil Procedure. The parties have agreed to incorporate into this case discovery that was exchanged in *Smith v. Centra Health Inc., et al.*, Case No. 6:20-cv-00016 (W.D. Va.) to make discovery in this case more efficient and to conserve the Court's and the parties' resources. The parties are not presently aware of any issues about the production or preservation of discoverable information, and request that the Court address any issues of privilege when and if they arise.

5. **Production of Electronically Stored Information.** The parties agree to produce all discoverable, electronically stored information in a manner that complies with the requested form of production set forth in the discovery propounded, as provided by Rule 34(b)(C). If there is an objection to the requested form of production, then the parties will meet and confer toward resolution with each reserving its right to produce in a manner consistent with Rule 34(b)(2)(E)(ii).

6. **Other Orders.** The parties are not presently aware of any other orders that the Court needs to issue under either Rule 16 or Rule 26.

7. **Prospect of Settlement.** The parties discussed the possibility of settlement and agree that the case is not ripe for settlement at this time.

Dated: October 3, 2023

/s/ J. Benjamin Rottenborn
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CERTIFICATE OF SERVICE

I hereby certify that on October 3, 2023, a copy of the foregoing was filed on the Court's CM/ECF system which will send notice to all counsel of record:

/s/ J. Benjamin Rottenborn